

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

Curves International, Inc.,

Plaintiff,

vs.

Linda S. Lewis

Defendant

Case Action No. 2007-CV-807-MHT

**STIPULATION FOR ENTRY OF
ORDER OF DISMISSAL WITH
PREJUDICE**

Curves International, Inc. and Linda S. Lewis, through their respective counsel of record, hereby stipulate to dismissal with prejudice of their respective claims and counterclaims, with each party to bear its own costs and attorneys' fees, pursuant to the form of the Order of Dismissal with Prejudice attached hereto. The parties respectfully ask the Court to enter the attached Order of Dismissal with Prejudice.

Dated: July 21, 2008

**GRAY, PLANT, MOOTY,
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**ORDER OF DISMISSAL WITH
PREJUDICE**

Pursuant to the Joint Stipulation of Dismissal submitted by the parties, the Court orders as follows:

1. Defendant and all those under her direction or control are prohibited, directly or indirectly, from owning, maintaining, engaging in, or having any interest in any fitness or weight loss center or any other business that provides fitness or weight loss services located within a radius of forty (40) miles of Deatsville, Alabama, as specifically identified in the parties' Franchise Agreement, until November 17, 2009.
2. The terms of paragraph 1 shall extend to Jordan's Gym a/k/a the Jordan Community Center, which shall be prohibited, directly or indirectly, from providing fitness or weight loss services until November 17, 2009.
3. Defendant and all those acting under her direction or control shall not use any of Curves' signs, posters, manuals, equipment, computers, promotional materials, check drafts, and other materials, including but not limited to telephone numbers formerly used in connection with Defendant's CURVES® business.

4. All claims and counterclaims that were brought or could have been brought in this action and which are not addressed above are hereby denied and dismissed with prejudice. All pending Motions are hereby denied as moot. Each party shall bear its own costs and attorneys' fees.

IT IS SO ORDERED.

Dated: July ___, 2008

The Honorable Myron H. Thompson
United States District Judge